

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHAMYA JACQUELINE
FURCRON and STANLEY DWAYNE MILLER,
JR., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CRYSTAL Q. WARE,

Respondent-Appellant,

and

MAURICE FURCRON and STANLEY MILLER,
SR.,

Respondents.

In the Matter of SHAMYA JACQUELINE
FURCRON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MAURICE FURCRON,

Respondent-Appellant,

and

CRYSTAL Q. WARE,

UNPUBLISHED
March 10, 2005

No. 258078
Cass Circuit Court
Family Division
LC No. 03-000069

No. 258079
Cass Circuit Court
Family Division
LC No. 03-000069

Respondent.

In the Matter of STANLEY DWAYNE MILLER,
JR., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

STANLEY MILLER, SR.,

Respondent-Appellant,

and

CRYSTAL Q. WARE,

Respondent.

No. 258653
Cass Circuit Court
Family Division
LC No. 03-000146

Before: Murray, P.J., and Markey and O'Connell, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal by right the trial court orders terminating their parental rights. Respondent Ware appeals from the order terminating her parental rights to Shamyia and Stanley under MCL 712A.19b(3)(c)(i) and (g). Respondent Furcron appeals from the order terminating his parental rights to Shamyia under section (g). Respondent Miller appeals from the order terminating his parental rights to Stanley under sections (g) and (h). We affirm.

The trial court must terminate parental rights if it finds that the petitioner has established a statutory ground for termination by clear and convincing evidence, unless the court finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000). This Court reviews the trial court's decision terminating parental rights as well as its underlying factual findings for clear error. *Id.* at 356-357; MCR 3.977(J). In doing so, we consider "the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it." MCR 2.613(C).

The trial court did not clearly err in terminating respondent Ware's parental rights. The conditions leading to the adjudication of Stanley were respondent Ware's marijuana use and her leaving Stanley with a mere acquaintance while she left the state. The conditions leading to the adjudication of Shamyia were respondent Ware's failure to participate in services related to

Stanley's placement and her failure to visit Stanley consistently. Respondent mother's total withdrawal from participation in services, drug screens, and visitation which was consistent with the guarded prognosis from the psychological evaluation and evidenced her inability to rectify the conditions leading to adjudication within a reasonable time. She also failed to provide proper care and custody for her children because she did not consistently visit her children, did not complete parenting classes, violated her probation and was incarcerated for a short time, and dropped out of all services after becoming angry at her parenting class provider. Respondent Ware's admitted anger management problem also prevented her from providing proper care and custody for her children.

Further, the evidence did not establish that termination of respondent Ware's parental rights was against the children's best interests. While respondent was bonded to her children and had the ability to provide their basic needs, she did not provide for their basic needs during the pendency of this case and did not even consistently visit. The children needed stability and permanency. While respondent mother may have been able, she was not willing to provide the children with their basic needs, and, therefore, the trial court did not clearly err in terminating her parental rights.

The trial court also did not clearly err in terminating respondent Furcron's parental rights. The psychological evaluation stated that respondent Furcron could not care for Shamyia without significant assistance and parenting classes. Stability was a concern for respondent Furcron; he was incarcerated at the time of Shamyia's birth and his reincarceration demonstrated an inability to provide Shamyia with proper care and custody. For the same reasons, the evidence did not establish that it was against Shamyia's best interests to terminate respondent Furcron's parental rights. He was not able to provide the young child with the stability and permanency that she needed. Further, respondent Furcron had never met Shamyia and did not have any bond with her. Therefore, the trial court did not clearly err in terminating his parental rights.

The trial court also did not clearly err in terminating respondent Miller's parental rights. It was undisputed that respondent Miller will be incarcerated until 2086 following a murder conviction in Illinois. Although respondent Miller clearly loved Stanley and missed him, he was not able to provide proper care and custody for Stanley because of his incarceration. Further, the extended length of incarceration fulfilled the requirements of section (h) and the trial court did not clearly err in its best interests determination.

We affirm.

/s/ Christopher M. Murray
/s/ Jane E. Markey
/s/ Peter D. O'Connell